

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LATANYA COLLINS,

Plaintiff,

-against-

THE CITY OF NEW YORK, and THE NEW YORK CITY
DEPARTMENT OF EDUCATION,

Defendants.

**DECLARATION OF
ASSISTANT
CORPORATION
COUNSEL STEVEN E.
SMITH IN SUPPORT
OF DEFENDANTS’
MOTION TO DISMISS
THE AMENDED
COMPLAINT**

----- X 1:23-cv-9248 (NCM) (JAM)

STEVEN E. SMITH, an attorney duly admitted to practice before the United States District Court, Eastern District of New York, declares, pursuant to 28 U.S.C. § 1746 and under penalty of perjury, that the following is true and correct:

1. I am an Assistant Corporation Counsel in the office of Muriel Goode-Trufant, Acting Corporation Counsel of the City of New York, attorney for Defendants the City of New York (“City”) and the New York City Department of Education (“DOE”), in the above-captioned action. I respectfully submit this declaration in support of Defendants’ Motion to Dismiss the Amended Complaint.

2. Annexed hereto as Exhibits “A” through “C” are true and correct copies of the documents which are relied upon and cited in Defendants’ Memorandum of Law, submitted herewith in support of Defendants’ Motion. The documents comprising Exhibits “A” through “C” consist of “documents attached to the complaint as an exhibit or incorporated in it by reference . . . matters of which judicial notice may be taken, or . . . documents either in plaintiffs’ possession or of which plaintiffs had knowledge and relied on in bringing suit.” *Chambers v.*

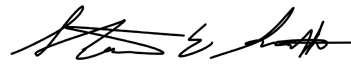
Time Warner, Inc., 282 F.3d 147, 153 (2d Cir. 2002) (citation and quotation marks omitted; alterations in original).

3. The documents are as follows:

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| Exhibit "A" | The Order of then–Commissioner Dr. Dave Chokshi requiring all DOE employees to show proof of at least one dose of vaccination against COVID-19 by September 27, 2021 (“DOE Order”), dated August 24, 2021. |
| Exhibit "B" | <i>In the Matter of the Arbitration Between Board of Education of the City School District of the City of New York and United Federation of Teachers, Local 2, AFT, AFL-CIO, re: Impact Bargaining</i> (“Impact Arbitration Award” or “IAA”), dated September 10, 2021. |
| Exhibit "C" | Plaintiff’s second charge of discrimination filed with the Equal Employment Opportunity Commission (“EEOC”), dated February 21, 2023. |

Dated: June 13, 2024
New York, New York

MURIEL GOODE-TRUFANT
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By: 

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